

1-1 By: Solomons (Senate Sponsor - Shapleigh) H.B. No. 210
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on
1-4 Business and Commerce; May 5, 2005, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the regulation of certain telemarketing calls.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 44.101, Business & Commerce Code, is
1-11 amended by amending Subsections (b) and (c) and adding Subsection
1-12 (d) to read as follows:

1-13 (b) The commission may contract with a private vendor to
1-14 maintain the Texas no-call list if:

1-15 (1) the private vendor has maintained a ~~[national]~~
1-16 no-call list database ~~[for more than two years]~~ containing the
1-17 names and telephone numbers of consumers ~~[in this state]~~ who have
1-18 previously requested to be added to a ~~[the vendor's national]~~
1-19 no-call list; and

1-20 (2) the contract requires the vendor to publish the
1-21 Texas portion of the national no-call list in an electronic format
1-22 to any telemarketer who agrees to use the Texas no-call list only
1-23 for the purposes of updating the no-call list of that telemarketer
1-24 by including in its list persons with whom the telemarketer does not
1-25 have an established business relationship.

1-26 (c) The Texas no-call list is a combined list consisting of
1-27 [~~must contain~~ the name and telephone numbers of each consumer in
1-28 this state who has requested to be on that list and of each person in
1-29 the portion of the national do-not-call registry maintained by the
1-30 United States government that relates to this state. The Texas
1-31 no-call list shall be updated and published on January 1, April 1,
1-32 July 1, and October 1 of each year. An entry on the Texas no-call
1-33 list expires on the third anniversary of the date the entry is first
1-34 published on the list. An entry may be renewed for successive
1-35 three-year periods. The telephone number of the consumer on the
1-36 Texas no-call list may be deleted from the list on the consumer's
1-37 written request or if the telephone number of the consumer is
1-38 changed. The commission may charge a person a reasonable amount not
1-39 to exceed \$3 for a request to place a telephone number on the Texas
1-40 no-call list ~~[established by the commission]~~ or to renew an entry on
1-41 the list, except that the commission shall provide for a method of
1-42 placement or renewal of an entry by use of the Internet at no
1-43 charge. The commission shall develop and make available an
1-44 Internet website at which a person may request that a telephone
1-45 number be placed on the Texas no-call list [a form to be used by
1-46 customers to request to be on the Texas no-call list] and shall
1-47 provide a toll-free telephone number and a mailing [Internet mail]
1-48 address that persons may call or write to obtain a copy of a [the]
1-49 form to request placement of a telephone number on the Texas no-call
1-50 list. A private for-profit publisher of a residential telephone
1-51 directory that is distributed to the public at minimal or no cost
1-52 shall include in the directory a prominently displayed Internet
1-53 website address, toll-free number, and mailing [Internet mail]
1-54 address established by the commission through which a person may
1-55 request placement of a telephone number on the Texas no-call list or
1-56 order a copy of the form to make this request.

1-57 (d) The commission or its designee may provide information
1-58 on the Texas no-call list to the administrator of the national
1-59 do-not-call registry and may allow placement of the names and
1-60 telephone numbers contained on the Texas no-call list in the
1-61 national do-not-call registry.

1-62 SECTION 2. Section 552.141, Government Code, as added by
1-63 Chapter 401, Acts of the 78th Legislature, Regular Session, 2003,
1-64 is amended to read as follows:

